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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,520	01/27/2004	Alessandro Spaggiari	26218	2209
20529	7590	04/17/2006	EXAMINER	
NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			VERDIER, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,520	<b>Applicant(s)</b> SPAGGIARI, ALESSANDRO	
	<b>Examiner</b> Christopher Verdier	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-27-04, 8-4-05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 6, 2006 has been entered.

Applicant has argued that new claim 8 defines over Boeckel 3,303,995, because Boeckel fails to disclose a number of through windows formed in the annular wall close to the peripheral edges of the base wall and the annular wall, each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs. Applicant has further argued that the openings 26 of Boeckel are placed adjacent the perimeter of the end wall 13 but placed in the central hub 12, and that this configuration does not allow to channel out any condensate formed inside the central body without interfering with the blades. These arguments are not persuasive, because Boeckel discloses a number of through windows 26 formed in the annular wall 14 close to the peripheral edges of the base wall 13 and the annular wall 14 ("close" is a broad term), each placed in the gap between two adjacent blades 16 and between two adjacent reinforcing ribs 28. Note that some of the windows 26 are in the gap between two adjacent blades 16, and that this reads on "each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs" as recited in claim 8, lines 13-15. Column 2, lines 32-35 as well as figures 1-2 of Boeckel show that the through windows 26 of Boeckel are placed adjacent the perimeter of the end wall 13 and also in the annular wall 14. Applicant's argument that that this

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configuration does not allow to channel out any condensate formed inside the central body without interfering with the blades is not persuasive, because any condensate formed inside the central body will clearly be channeled out through openings 26 that are located in the gap between two adjacent blades, following the flowpath shown by arrows in figure 2.

New claim 8 defines over United Kingdom Patent 1,414,891. Applicant's argument that new claim 8 defines over Braun 4,583,911 because edge orifices 26 do not allow to channel out any condensate formed inside the central body, without interfering with blades 18, is not persuasive. Figures 7-8 of Braun disclose windows 26 formed in an annular wall 26 close to the peripheral edges of a base wall 20 and the annular wall, each placed in the gap between two adjacent blades 18 and between two adjacent reinforcing ribs 60. Any condensate formed inside the central body will clearly be channeled out through windows 26 that are located in the gap between two adjacent blades, following a flowpath towards the outside of the central body 14. Applicant's arguments that the orifices in Braun may be formed in edge 24 but are not close to the peripheral edges of the base wall and the annular wall, and are not each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs are not persuasive for the same reason. Note that "close" is a broad term.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Boeckel 3,303,995. Boeckel discloses a ventilation unit comprising an electric motor 24 having an output shaft 22 fitted with a fan 10 having a cup-shaped central body 12 and a number of blades 16, the central body being defined by a base wall 13 and by an annular wall 14 extending from the base wall, the base wall having a central portion 18 which is thicker than the rest of the base wall, the annular wall having an inner face and an outer face, the number of blades extending from the outer face, a number of reinforcing ribs 28 formed between the central portion of the base wall and the inner face of the annular wall, and a number of through windows 26 formed in the annular wall, close to the peripheral edges of the base wall and the annular wall (note that "close" is a broad term), each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs to channel out any condensate formed inside the central body (following the flowpath shown by arrows in figure 2). The number of blades are equally spaced, the number of reinforcing ribs are equally spaced, and the number of through windows are equally spaced.

Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Braun 4,583,911 (figures 7-8). Braun discloses a ventilation unit comprising an electric motor 30 having an output shaft 28 fitted with a fan 14 having a cup-shaped central body 16 and a number of blades 18, the central body being defined by a base wall 20 and by an annular wall 24 extending from the base wall, the base wall having an unnumbered central portion which is thicker than the rest

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of the base wall, the annular wall having an inner face and an outer face, the number of blades extending from the outer face, a number of reinforcing ribs 60 formed between the central portion of the base wall and the inner face of the annular wall, and a number of through windows 26 formed in the annular wall, close to the peripheral edges of the base wall and the annular wall (note that “close” is a broad term), each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs to channel out any condensate formed inside the central body (following a radially outward flowpath). The number of blades are equally spaced, and the number of reinforcing ribs are equally spaced.

Claims 4 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brackett 4,838,760. Brackett discloses a ventilation unit comprising an electric motor 12 having an output shaft 16 fitted with a fan 10 having a cup-shaped central body 20 and a number of blades 30, the central body being defined by a base wall 26 and by an annular wall 28 extending from the base wall, the base wall having a central portion 32 which is thicker than the rest of the base wall, the annular wall having an inner face and an outer face, the number of blades extending from the outer face, a number of reinforcing ribs 44, 70 formed between the central portion of the base wall and the inner face of the annular wall, and a number of through windows 40 formed in the annular wall, close to the peripheral edges of the base wall and the annular wall (note that “close” is a broad term), each placed in the gap between two adjacent blades and between two adjacent reinforcing ribs to channel out any condensate formed inside the central body (following the flowpath 42). The number of blades are equally spaced, the number of reinforcing ribs are equally spaced, and the number of through windows are equally spaced.

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*Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese Patent 57-24,499 is cited to show a fan with windows 4 formed in a base wall.

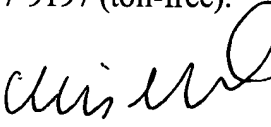
Honnold is cited to show a fan with reinforcing ribs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.  
April 13, 2006

  
Christopher Verdier  
Primary Examiner  
Art Unit 3745